

The letter below was sent to the Presidents of all public and private colleges and universities under the jurisdiction of the Washington State Human Rights Commission.

November 27, 2006

Dear College President,

Governor Chris Gregoire signed ESHB 2661 into law after the 2006 Legislative session, making nondiscrimination on the basis of sexual orientation, including gender expression and identity, the law in Washington State. The new law became effective on June 7, 2006. The Washington State Human Rights Commission (WSHRC) views this new jurisdiction as a natural extension of civil rights.

The WSHRC enforces the Washington State Law Against Discrimination (WLAD), which prohibits discrimination in employment (employers with eight or more employees), housing, places of public accommodation, and credit and insurance transactions, on the basis of race, color, creed, national origin, sex, sexual orientation including gender identity, marital status, age (over 40), the presence of any sensory, mental, or physical disability, the use of a trained dog guide or service animal by a person with a disability, retaliation for opposing an unfair practice, filing a whistleblower complaint with the Washington State Auditor, or filing a nursing home abuse complaint. RCW 49.60. Colleges and universities are public accommodations and covered employers. The WSHRC can investigate claims of discrimination against colleges and universities and receives a substantial number of complaints annually.

As the state agency charged with enforcing the WLAD, the WSHRC is interested in providing the best civil rights customer service to all of the communities under our jurisdiction. Among the duties of the WSHRC as identified in the WLAD are to formulate policies; to receive, impartially investigate and pass upon complaints alleging unfair practices; and to foster good relations between minority and majority population groups of the state.

The mission of the WSHRC is to prevent and eliminate discrimination in employment, housing, places of public accommodation, and credit and insurance transactions. RCW 49.60.215 specifically gives the WSHRC authority to eliminate discrimination in places of public accommodation, including technical colleges, community colleges, and universities.

The WSHRC is concerned about the increased harassment occurring at colleges and universities against members of traditionally discriminated against groups, and about the number of hate incidents and crimes that have occurred over the last several years with high school and college students as the perpetrators. The WSHRC would like to offer its

assistance in creating and maintaining a discrimination-free environment for your students, faculty, and staff.

In Washington State, employment is the basis under which most people file discrimination complaints. The WSHRC is being proactive in implementing this new jurisdiction. On our website we have an extensive Frequently Asked Questions (FAQ) section addressing questions about the new jurisdiction, including the duty of employers under the WLAD. Please visit our website at www.hum.wa.gov for more information.

In addition, there are several proactive steps colleges and universities can take to reduce the likelihood of discrimination occurring on campus, in facilities, and in sponsored events. While they are not a requirement under RCW 49.60, the WSHRC recommends developing and using clear non-discrimination policies. This is an effective way to notify students, faculty, and staff of their rights and the college's expectations. Development and implementation of such policies, complaint procedures, and nondiscrimination notices help to reduce your institution's risk and tort liability.

- Generally, a non-discrimination policy should include both employment and services (i.e. education, athletics, clubs, and after school activities).

- The policy should reference specific laws such as the WLAD (RCW 49.60), the Americans with Disabilities Act (ADA), Titles VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Title IX of the Education Amendments of 1972 (sex discrimination in education).

- The policy should provide a place for people to go with concerns and to file complaints. This policy could include the Office for Civil Rights of the U.S. Department of Education and the Washington State Human Rights Commission. Include the office name, location, phone number, e-mail address, and URL. Include a local office. Sometimes language also includes "Complaints may be filed with..." and "For more information, contact..."

- There should be an internal complaint or grievance procedure which provides an objective neutral investigation and findings about allegations of discrimination.

- An alternative dispute resolution (ADR) system can be very helpful in resolving problems at the most local level possible.

- The nondiscrimination statement should be publicized, posted on the institution's website, posted on bulletin boards, and printed in all major publications.

We've developed a new guide, *Self-Assessment Checklist for Compliance and Suggested Best Practices*. This guide is a free, practical tool for employers and others who want to learn more about how to be in compliance the WLAD. To our knowledge, this is the first of its kind in the nation and we are proud to have this opportunity. The checklist is a work in progress. Enclosed is a copy for your use. Please let us know if you have questions, and give us feedback about how it works in your institution of higher learning.

Thank you for consideration of these matters. Current members of the Board of Commissioners are Kathy Baros Friedt, Commission Chair, Olympia; Ellis Casson, Seattle; Deborah Sioux Cano-Lee, Olympia; Jerry Hebert, Kitsap County; and, Shawn Marinko, Spokane. The Executive Director of the WSHRC is Marc Brenman.

The WSHRC has offices in Olympia, Seattle, Spokane, Yakima, and Vancouver. For further information and to request training on the new jurisdiction, please visit the WSHRC website at www.hum.wa.gov or contact us at 1-800-233-3247 or TTY at 1-800-300-7525. Complaints can also be filed using our new online complaint form. We can communicate in other languages, and accommodate people with disabilities.

We are available to provide trainings and consult with you on implementation questions. Please let me know if you have additional questions or if we can be of further help or assistance.

Sincerely,

Marc Brenman
Executive Director